

NOTICE: This model policy is a draft work in progress by the Local Government Center at Montana State University. It is intended to serve as a guide to the development of rules of procedure for a Voter Review Study Commission. It should not be adopted prior to review by competent legal counsel. Recommendations for improvements should be communicated to the MSU Local Government Center.

Rules and Procedures for Governing Lincoln County Study Commission

PART I. General Provisions

Section 1.01 Purpose. The purpose of this policy is to establish the rules of procedure for the conduct of meetings and the transaction of business by the 2024-2026 Lincoln County Government Study Commission. These rules of procedure are intended to ensure that the Commission can accomplish its work efficiently, in full view of the public, and with reasonable opportunity for the public to participate in the deliberations and decisions of its county government.

Section 1.02 Authority. These rules of procedure are promulgated pursuant to and supplement Title 2, Chapter 3 and Title 7, Chapter 3, Part 1 of the Montana Code Annotated.

PART II. Public Participation

Section 2.01 Policy. It is the policy of this Study Commission that the public shall be afforded reasonable opportunity to participate in the operations of the Study Commission prior to the final decision of the Study Commission concerning any matter of significant interest to the public. A matter of significant interest to the public includes but is not limited to any matter:

1. Requiring a public hearing
2. Hearing, discussion, or deciding on a proposal to alter the current form of government for Lincoln County
3. Relating to the budgetary and financial affairs of the Study Commission.

Section 2.02 Open Meetings. A meeting of the Lincoln County Study Commission is convened whenever a quorum of Study Commission members hear, discuss, or act upon any matter over which they have jurisdiction, whether corporal or by means of electronic equipment. All meetings of the Study Commission shall be open to the public, unless otherwise provided by law after consultation with qualified legal counsel.

Section 2.03 Notice. The Lincoln County Study Commission will meet on every 3rd Wednesday of the month and shall give timely notice of any public hearing or any meeting to discuss or act upon any matter of significant interest to the public, as prescribed by law.

Additionally, the agenda of all scheduled meetings shall be posted on the designated public posting location(s) not later than 48 hours prior to the meeting.

Section 2.04 Public Posting. The Lincoln County Study Commission will post notices in compliance with MCA 2-3-103, utilizing the county's official posting procedures.

PART III. Procedures.

Section 3.01 Quorum. A quorum of the Lincoln County Study Commission shall consist of three Study Commission Members. No meeting of the Study Commission shall be convened without a quorum and no decision of the Study Commission on any matter requiring a majority vote of the Study Commission shall be made except by the affirmative vote of three Study Commission Members. The quorum number is based on five serving members and may be adjusted in the event vacancies arise.

Section 3.02 Officers. The study commission will, by name, elect a Chairperson, Vice Chairperson and Secretary. Duties are as follows:

1. Chairperson: The Chair ensures that the Commission's mandate is being met by ensuring that meetings are held in a fair and impartial matter, setting meeting agendas (working with the secretary), enforcing by-laws, and to putting to vote all questions which are regularly moved. The Chair is also the Commission's public representative.
2. Vice Chairperson: The Vice Chair fills in for the Chair in the latter's absence. The Vice also assists the Chair by serving as a sounding board and completing special duties as requested.
3. Secretary: The Secretary is the Commission's record keeper. This includes scheduling, taking accurate meeting minutes, and maintaining Commission records.

Section 3.03 Agenda Preparation. Proposed agenda matters requiring consideration, discussion, or decision by the Study Commission shall be submitted in writing to the Chairperson of the Study Commission or to the designated point of contact of the Study Commission by 12:00 noon on the Friday immediately preceding the next regularly scheduled meeting of the Commission. The Chair or his/her designated representative shall arrange the matters requiring discussion or action into an agenda according to the order of business specified herein. Electronic or printed copies of the agenda shall be provided to each member of the Study Commission and made available to the public not later than 48 hours prior to the scheduled meeting.

Section 3.04 Order of Business. The Chair shall prepare the agenda in substantially the following form, but may be altered by a majority consent of the Study Commission, particularly if urgent issues should surface:

1. Call the meeting to order

2. Roll Call of the Board Members
3. Pledge of Allegiance
4. Public Comment on any Action Items
5. Approval of Previous Meeting's Minutes
6. Correspondence or Study Commission Update
7. Unfinished Business
8. New Business
9. Member communications and proposals for next agenda
10. Public Comment on anything not on the agenda but within the jurisdiction of the Study Commission: An item that is not scheduled on the agenda for the current meeting may be commented on by the public and may be briefly discussed by the Commission at the body's discretion. However, the purpose of such discussion shall be to decide whether or not to schedule the item for discussion and/or vote on a subsequent agenda. As a general rule no matter of significant interest to the public should be decided upon without prior notice to the public as a scheduled Study Commission agenda item.
11. Announcements (such as schedule time, date, and location of next meeting)
12. Adjournment

PART IV. Rules of Study Commission Participation.

Section 4.01 Policy. To provide for the effective participation by all members of the Lincoln County Study Commission and to protect the right of participation by members of the public appearing before the Study Commission, all meetings of the Study Commission shall be conducted in general conformance with the provisions of the current edition of Robert's Rules of Order, except when inconsistent with the law or this policy.

Section 4.02 Rules. Study Commission debate shall proceed in accordance with the following rules:

1. Debate and discussion among members shall be free flowing to encourage the exchange of ideas. However, members must ensure that the discussion maintains decorum and stays on topic. A point of order to the Chair should be called in the event of a discussion breakdown. Speaking in turn will only be used as a last resort and at the Chair's discretion.
2. A motion may be made by any member of the Study Commission but must be seconded prior to discussion and vote. If the motion is not seconded, it shall be declared failed for lack of a second by the Chair.
3. A motion to reconsider any action taken by the Study Commission may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed and reconvened session thereof. Such a motion may only be made by a Study Commission Member of the prevailing side but may be seconded by any Study Commission Member and it shall be debatable.

4. Nothing herein shall be construed to prevent any member of the Study Commission from making or remaking the same or any other proper motion at a subsequent meeting of the Study Commission, but the matter must be a scheduled agenda item.

Section 4.03 Suspension of the Rules of Debate. The rules of debate may be suspended temporarily by an approved motion of the Study Commission.

Section 4.04 Majority of Whole Study Commission Required. The affirmative vote of three Study Commission's Members is required to adopt any measure unless a greater number of votes may be required by law or ordinance.

Section 4.05 Duty to Vote. It shall be the duty of each Study Commission Member to vote in the affirmative or negative on each motion duly placed before the Study Commission by the Chair. A Study Commission Member may make a brief explanation of the reason why she or he voted in a particular way.

Section 4.06 Proxy Voting. A Study Commission Member who is not present either in person, telephonically or online in the meeting at the time a motion is put to a vote cannot vote. Study Commission Members are also not be permitted to vote by proxy or by written vote.

Section 4.07 Conflict of Interest. Any member of the Study Commission who has a private interest, as defined by law or as so advised by the County Attorney, in any matter pending before the Lincoln County Study Commission will notify the Commission either in writing or declare prior to debate of the issue. The member shall neither participate in the debate nor vote in that matter nor seek to influence the vote of members of the Study Commission, except as otherwise provided by [2-2-201, MCA](#). If the Chair has a private interest in a matter pending before the Study Commission, he or she shall yield the chair to the Vice Chairperson during the course of debate and decision concerning the matter in which she or he has a private interest.

PART V. Guide for Public Participation

Section 5.01 Guidelines for Public Participation. The following guidelines shall serve to assure reasonable and fair public participation in the decisions of the Lincoln County Study Commission.

1. The public shall be invited to speak on any item under the purview by the Study Commission after and only after recognition by the Chair.
2. The speaker should raise a hand to be recognized and, for the record, give their name and place of residence. And, if applicable, the person, or organization he or she represents.

3. Prepared statements are welcomed. Statements should be given to the Chair and noted in the minutes of the meeting. Prepared statements that are also read, however, shall be deemed unduly repetitious. All prepared statements shall become a part of the permanent record.
4. While the Study Commission is in session, members of the public must preserve order and decorum. No person shall delay or interrupt the proceedings or the peace of the Study Commission nor disturb any member of the public or of the Study Commission while speaking or refuse to obey the Chair's orders.
5. Any person who while testifying shall use indecorous or abusive language or who shall become boisterous or disruptive shall be barred from further presentation to the Study Commission by the Chair, unless permission to continue be granted by a majority vote of the Study Commission.
6. Public comment is limited to 3 minutes per person per topic. The Chair may grant an extension of time; however, the extension may be overruled by a Commission majority vote.

PART VI. Public Hearings

Section 6.01 Procedures. The Study Commission shall conduct public hearings as required by law. Public testimony will be presented to the Study Commission in the same format as described in PART V above, as provided by law in which case the Study Commission shall not be bound by the strict rules of evidence, but may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The Chair shall, with advice from the County Attorney/legal counsel, rule on all questions relating to the admissibility of testimony or evidence. The ruling of the Chair may be overruled by a majority vote of the Study Commission. Additionally, the following rules of procedure shall apply:

1. The proponents or opponents, their agent or attorney, may submit petitions and letters prior to the closing of the hearing and the same shall be entered by reference into the minutes and considered as other testimony received at the hearing.
2. Following the presentation of all testimony and evidence, the Study Commission may: (1) Continue the hearing to a date certain to allow only new information to be submitted to the Study Commission; (2) Close the public hearing and proceed to Study Commission meeting debate of the matter; or (3) Continue the Study Commission debate and vote to a date certain.
3. A public hearing which has been formally closed may not be reopened. If additional information is required before a decision can be made, the Study Commission, upon motion duly made, seconded and passed, may call for an additional public hearing which hearing shall be duly noticed as required by law and this policy.

PART VII. Resolutions

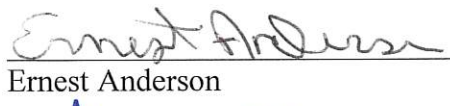
Section 7.01 Resolutions. Except as provided by law, proposed resolutions may be introduced at any time by a member of the Study Commission and if adopted shall be effective on the date specified therein.


Section 7.02 Right of Initiative. The people retain the right to present resolutions for adoption by the initiative process, as prescribed by law.


_____ date: 1/15/25
Jennifer McCully, Chair


_____ date: 1/15/25
John Boyke


_____ date: 1/15/25
Mike France, Secretary


_____ date: 1-15-25
Ernest Anderson


_____ date: 1/15/25
Gregory Bruns, Vice Chair